

## REMARKS

### **I. General**

Claims 1-46 are pending in the present application. The present Office Action (mailed July 16, 2007) raises the following issues:

- Claims 1 and 21 are objected to for informalities; and
- Claims 1-46 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Published Application No. 2007/0073559 to Stangel (hereinafter “*Stangel*”).

Applicant respectfully traverses the outstanding claim objections and rejections raised in the current Office Action, and requests reconsideration and withdrawal thereof in light of the remarks presented herein.

### **II. Claim objections**

The current Office Action raises an objection for independent claims 1 and 21, asserting that Applicant argued in its previous response that these claims include a result of a search that is conducted, but no such limitation is actually recited in the claims. This assertion is inaccurate. In its previous response of April 25, 2007, Applicant did not make such an argument for claims 1 and 21, as discussed below.

In response to the rejection of claim 1 under 35 U.S.C. §101, Applicant traversed the rejection on pages 12-14 of the April 25, 2007 response. In doing so, Applicant did not assert that claim 1 includes a result of the search that is conducted. Instead, Applicant asserted that claim 1 produces a useful, concrete, and tangible result in that it expressly recites “generating, ..., a text-string for each data record.” Thus, Applicant asserted that the generated text-string (rather than a result of a search that may be conducted) provides the useful, concrete, and tangible result. Indeed, Applicant asserted that questions concerning what happens after a search is conducted need not be answered in the claims in order for them to be directed to statutory subject matter, *see* paragraph bridging pages 12-13 of the April 25, 2007 response. Accordingly,

claim 1 remains consistent with the Applicant's arguments, and as such the objection to claim 1 should be withdrawn.

Similarly, in response to the rejection of claim 21 under 35 U.S.C. §101, Applicant traversed the rejection on page 16 of the April 25, 2007 response. In doing so, Applicant did not assert that claim 21 includes a result of the search that is conducted. Instead, Applicant asserted that claim 21 is directed to a practical application of generating a text-string for each data record in that it expressly recites "for application in efficiently searching for desired ones of said data records." Thus, Applicant asserted that the generated text-string for application in efficiently search for desired ones of data records (rather than a result of any such search that may be conducted) provides the practical application. Accordingly, claim 21 remains consistent with the Applicant's arguments, and as such the objection to claim 21 should be withdrawn.

### **III. Rejections Under 35 U.S.C. §102(e)**

Claims 1-46 are rejected under 35 U.S.C. §102(e) as being anticipated by *Stangel*. Applicant respectfully traverses this rejection for the reasons below.

#### **A. Failure to Establish Prima Facie Case of Anticipation**

*Stangel* is a published U.S. patent application that was filed September 8, 2006, which is after the December 3, 2003 filing date of the present application. It appears that *Stangel* claims the benefit of a first provisional patent application number 60/714,968 ("the '968 provisional") that was filed September 8, 2005. However, such '968 provisional also fails to pre-date the December 3, 2003 filing date of the present application.

Further, *Stangel* is a continuation-in-part of application number 09/772,394 ("the '394 application") filed January 30, 2001. However, only the subject matter that was actually present in the '394 application is afforded the earlier date of January 30, 2001. For instance, *Stangel* (having a filing date of September 8, 2006) apparently includes matter that was not present in the '394 application (and was thus filed as a continuation-in-part of the '394 application), and any such new matter is not afforded the benefit of the filing date of the '394 patent application.

Similarly, it appears that the '394 application may have claimed the benefit of a provisional application number 60/247,246 ("the '246 provisional") filed November 13, 2000. However, only the subject matter of the '394 application that was actually present in the '246 provisional is afforded the November 13, 2000 date. Further, the '246 provisional expired prior to the filing of the *Stangel* application, and therefore it appears that only the material of the '246 provisional that was included in the '394 application is available for a priority claim by the *Stangel* application. As such, it appears that only the subject matter that is actually present in the '394 application is available as prior art to the present application.

The Examiner has failed to provide Applicant a copy of the '394 application. Further, the Examiner has failed to identify where the relied-upon teaching of *Stangel* is actually present in the '394 application. As such, the Examiner has failed to establish a prima facie case of anticipation.

#### **B. Failure to Teach All Claim Elements**

Additionally, to anticipate a claim under 35 U.S.C. § 102, a single prior art reference must teach every element of the claim, *see* M.P.E.P. § 2131. As discussed above, only the subject matter actually present in the '394 application is available as prior art to the present application. In rejecting the claims, the Examiner has cited to paragraphs 0018 and 0070-0084 of *Stangel*. The '394 application has published as U.S. Patent Application Publication No. 2002/0165735. From a review of the '394 application, it appears that paragraphs 0010 and 0035-0049 thereof correspond to paragraphs 0018 and 0070-0084 of *Stangel*. However, as discussed below, the relied-upon portions of the '394 application fail to teach all elements of claims 1-46.

Independent Claim 1

Independent claim 1 recites:

A text-generation method comprising:  
receiving, into a record processing module of a system, data records,  
wherein each data record includes one or more data fields and a field value  
associated with each data field; and  
said record processing module generating, for application in efficiently  
searching for desired ones of said data records, a text-string for each data record,  
wherein each text-string includes one or more text-based data descriptors, such  
that each data descriptor includes:  
a field descriptor that defines a specific data field within the data record to  
which the text-string is related; and  
a value descriptor that defines the field value associated with the specific  
data field. (Emphasis added).

The '394 application fails to teach such a text-generation method. Instead, the '394 application is directed to a data entry system that presents a user interface with which a user can interact to input information to various fields of the interface. As such, the '394 application provides a user interface that may be employed for collecting information from a user in order to form a data record. However, the '394 application does not teach a record processing module that receives data records (wherein each data record includes one or more data fields and a field value associated with each data field) and generates a text-string for each data record as recited in claim 1.

While the user interface of the '394 application provides various fields into which textual strings may be entered by a user for forming a data record, the '394 application does not teach a record processing module that receives data records and generates text-strings. Moreover, the '394 application does not teach a record processing module that generates text-strings that include one or more text-based data descriptors that each includes a field descriptor and a value descriptor, as recited in claim 1. Even the user-entered text-strings that are input to the fields of the user interface of the '394 application do not include such field descriptor and value descriptor. At best, it appears that a "field descriptor" may be provided as a label for a text input box on the user interface, which aids a user in understanding the type of information that is to be

input to the corresponding input box. However, such a “field descriptor” provided by the interface is not included as part of the text-string that the user inputs to the box.

In general, while the ‘394 application describes a user interface for collecting information from a user which may be used for forming a data record, the ‘394 application does not teach a record processing module that receives data records and generates text-strings in the manner recited by claim 1. Indeed, it appears that once a data record is formed (e.g., into database 23 of the ‘394 application), the ‘394 application might benefit from a text-generation method as that of claim 1 to enable efficient searching for desired ones of the data records.

In view of the above, the ‘394 application fails to teach all elements of independent claim 1, and thus fails to anticipate this claim under 35 U.S.C. § 102. Accordingly, the outstanding rejection of claim 1 should be withdrawn.

#### Claim 21

Independent claim 21 recites:

A computer program product residing on a computer readable medium having a plurality of instructions stored thereon which, when executed by the processor, cause that processor to:

- receive data records, wherein each data record includes one or more data fields and a field value associated with each data field; and
- process the received data records to generate, for application in efficiently searching for desired ones of said data records, a text-string for each data record, wherein each text-string includes one or more text-based data descriptors, such that each data descriptor includes:
  - a field descriptor that defines a specific data field within the data record to which the text-string is related, and
  - a value descriptor that defines the field value associated with the specific data field. (Emphasis added).

As discussed above with claim 1, the ‘394 application fails to teach such receipt of data records and processing of the data records to generate a text-string for each data record, such as that recited by claim 21. Instead, the ‘394 application merely describes a user interface having fields into which a user may input textual information, e.g., for forming a data record. Thus, the

'394 application fails to teach all elements of independent claim 21, and thus fails to anticipate this claim under 35 U.S.C. § 102. Accordingly, the outstanding rejection of claim 21 should be withdrawn.

Independent Claim 29

Independent claim 29 recites:

A computer program product residing on a computer readable medium having a plurality of instructions stored thereon which, when executed by the processor, cause that processor to:

define a first target value for each of one or more data fields within a database record structure of a database, wherein the database includes a plurality of data records;

search a plurality of text-strings, wherein each text string is associated with one of the data records and includes one or more text-based data descriptors, such that each data descriptor includes:

a field descriptor that defines a specific data field within the data record to which the text-string is related, and

a value descriptor that defines the field value associated with the specific data field; and

generating a first result set by identifying one or more text-strings that include a value descriptor that is essentially equivalent to at least one of the first target values. (Emphasis added).

The '394 application fails to teach at least the above-emphasized elements of claim 29.

As discussed above with claim 1, the '394 application merely describes a user interface having fields into which a user may input textual information, e.g., for forming a data record. The '394 application does not teach defining a first target value for each of one or more data fields within a database record structure of a database, and then searching a plurality of text-strings, wherein each text string is associated with one of the data records and includes one or more text-based data descriptors, as recited by claim 29. Indeed, such a search technique might be beneficial for searching the patient database 23 of the '394 application, but the '394 application does not teach any such search technique. Therefore, the '394 application likewise fails to teach generating a first result set based on the text-strings in the manner recited by claim 29.

Therefore, the '394 application fails to teach all elements of independent claim 29, and thus fails to anticipate this claim under 35 U.S.C. § 102. Accordingly, the outstanding rejection of claim 29 should be withdrawn.

Claim 41

Independent claim 41 recites:

A searching system comprising:  
a server system including a computer processor and associated memory,  
the server system having a database that includes a plurality of data records;  
wherein the server system is configured to:  
define a first target value for each of one or more data fields within a  
database record structure of the database;  
search a plurality of text-strings, wherein each text string is associated  
with one of the data records and includes one or more text-based data descriptors,  
such that each data descriptor includes:  
a field descriptor that defines a specific data field within the data  
record to which the text-string is related, and  
a value descriptor that defines the field value associated with the  
specific data field; and  
generate a first result set by identifying one or more text-strings that  
include a value descriptor that is essentially equivalent to at least one of the first  
target values. (Emphasis added).

As discussed above with claim 29, the '394 application fails to teach at least the above-emphasized elements of claim 41. Therefore, the '394 application fails to teach all elements of independent claim 41, and thus fails to anticipate this claim under 35 U.S.C. § 102. Accordingly, the outstanding rejection of claim 41 should be withdrawn.

Dependent Claims

Each of dependent claims 2-20, 22-28, 30-40, and 42-46 depend either directly or indirectly from one of independent claims 1, 21, 29, and 41, and thus inherit all limitations of the respective independent claims from which they depend. It is respectfully submitted that dependent claims 2-20, 22-28, 30-40, and 42-46 are allowable not only because of their dependency from their respective independent claims for the reasons discussed above, but also in view of their novel claim features (which both narrow the scope of the particular claims and compel a broader interpretation of the respective base claim from which they depend).



#### IV. Conclusion


In view of the above, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if any additional fee is due, please charge Deposit Account No. 50-3948, under Order No. 66729/P029US/10613663 from which the undersigned is authorized to draw.

Dated: October 16, 2007

Respectfully submitted,

<p>I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).</p> <p>Dated: October 16, 2007</p> <p>Signature: <u>Donna Forbii</u> (Donna Forbii)</p>
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